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Security Council

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Security Council Committee established pursuant to resolution 1718 (2006) concerning the Democratic People's Republic of Korea

Note verbale dated 9 February 2007 from the Permanent Mission of Turkey to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Turkey to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1718 (2006) and, referring to the latter's note of 1 November 2006, with regard to steps undertaken by Turkey for the implementation of sanctions envisaged in the said resolution, has the honour to inform the Committee of the following:

A circular to all relevant Turkish institutions and authorities, informing them of the adoption of Security Council resolution 1718 (2006) and requesting strict compliance with its provisions, was signed by Mr. Recep Tayyip Erdoğan, Prime Minister of the Republic of Turkey, and published in the Turkish Official Journal, in its issue No. 26364 of 2 December 2006. A translated copy of the said circular, which has become a part of Turkish national legislation, is submitted herewith (see annex).

Furthermore, the Mission would like to further inform the Committee that Turkey, as a member of all relevant control regimes, already has in place all the necessary tools to be able to implement Security Council resolution 1718 (2006) on the export of sensitive goods and technology that could contribute to programmes related to nuclear and other weapons of mass destruction or ballistic missile-related programmes of the Democratic People's Republic of Korea.

Detailed information with regard to Turkey's national implementation in relation to arms control and disarmament and to prevention of the proliferation of all weapons of mass destruction can be found in the national reports of Turkey, contained in documents S/AC.44/2004/(02)/63 and S/AC.44/2004/(02)/63/Add.1, submitted to the Security Council, in accordance with resolution 1540 (2004).

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Annex to the note verbale of 9 February 2007 of the Permanent Mission of Turkey to the United Nations addressed to the Chairman of the Committee

Official Journal of the Republic of Turkey
2 December 2006
Issue: 26364

CIRCULAR — 2006/36

From: Office of the Prime Minister
Subject: Sanctions against DPRK

In accordance with the resolution of the UN Security Council 1718 (2006) dated 14 October 2006, all United Nations members imposed sanctions upon the Democratic People's Republic of Korea (North Korea), following the nuclear test conducted by this country on 9 October 2006.

This resolution which is also binding for our country should be implemented by all our relevant institutions and actions related to its implementation should be reported to the Ministry of Foreign Affairs within 90 days.

For this purpose, until a further instruction is issued;

1. (a) Relevant institutions shall prevent the direct or indirect supply, sale or transfer to the DPRK, through the territories of the Republic of Turkey or by the Turkish citizens, or using the Turkish flagged vessels or aircraft, and whether or not originating in Turkey or from other countries, of the following items:

(i) Any battle tanks, armoured combat vehicles, large calibre artillery systems, combat aircraft, attack helicopters, warships, missiles or missile systems as defined for the purpose of the United Nations Register on Conventional Arms, or related materiel including spare parts, or items as determined by the Security Council or the Sanctions Committee (hereinafter called the Committee) to be established by paragraph 12 of the UN Security Council Resolution S/2006/1718.

(ii) All items, materials, equipment, goods and technology as set out in the lists in documents S/2006/814 and S/2006/815 of the UN Security Council, unless within 14 days of adoption of UN Security Council Resolution S/2006/1718 the Committee has amended or completed their provisions also taking into account the list in document S/2006/816, as well as other items, materials, equipment, goods and technology, determined by the Security Council or the Committee, which could contribute to DPRK's nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes;

(iii) Luxury goods

(b) Within the framework of the request, made in the UN Security Council Resolution S/2006/1718 to prevent the export of all items mentioned in subparagraphs 1.(a) i and ii above, the Relevant Institutions shall prevent the

procurement of such items from the DPRK by Turkish citizens, or using Turkish flagged vessels or aircraft, and whether or not originating in the territory of the DPRK or any other country.

(c) Relevant Institutions shall prevent any transfers to the DPRK by Turkish citizens or from Turkey, or from the DPRK by its nationals or from its territory, of technical training, advice, services or assistance related to the provision, manufacture, maintenance or use of the items in subparagraphs 1.(a) i and ii above.

(d) Relevant Institutions shall, in accordance with the current legislation, freeze immediately the funds, other financial assets and economic resources which are in Turkey at the date of the adoption of the UN Security Council Resolution S/2006/1718 or at any time thereafter, that are owned or controlled, directly or indirectly, by the persons or entities designated by the Committee or by the Security Council as being engaged in or providing support for, including through other illicit means, DPRK's nuclear-related, other weapons of mass destruction-related and ballistic missile-related programmes, or by persons or entities acting on their behalf or at their direction, and shall ensure that any funds, financial assets or economic resources are prevented from being made available by Turkish citizens or by any persons or entities within Turkey, to or for the benefit of such persons or entities.

(e) Relevant Institutions shall take the necessary steps to prevent the entry into or transit through Turkey of the persons designated by the Committee or by the Security Council as being responsible for, including through supporting or promoting, DPRK policies in relation to the DPRK's nuclear-related, ballistic missile-related and other weapons of mass destruction-related programmes, together with their family members, except for cases in which the entry of Turkish citizens in Turkey are concerned.

(f) In order to ensure compliance with the above-mentioned measures and thereby preventing illicit trafficking in nuclear, chemical or biological weapons, their means of delivery and related materials, Relevant Institutions shall in accordance with the international law and the national legislation, inspect, cargo to and from the DPRK.

2. Provisions of paragraph 1 (d) above do not apply to the following financial or other assets or resources:

(a) After notification to the Committee of the intention to authorize access to such funds, other financial assets and economic resources and in the absence of a negative decision by the Committee within five working days of such notification; basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges, or exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services, or fees or service charges, in accordance with the national legislation, for routine holding or maintenance of frozen funds, other financial assets and economic resources.

(b) Extraordinary expenses, provided that such determination has been notified to the Committee and has been approved by the Committee.

(c) Subject of a judicial, administrative or arbitral lien or judgement, in which case the funds, other financial assets and economic resources may be used to satisfy that lien or judgement provided that the lien or judgement was entered prior

to the date of the present resolution, is not for the benefit of a person referred to in paragraph 1 (d) above or an individual or entity identified by the Security Council or the Committee, and has been notified to the Committee.

I request you to acknowledge and take action accordingly.

Recep Tayyip Erdogan
Prime Minister